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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

DEANNA JACKSON,

Defendant and Appellant.

B276746

(Los Angeles County
Super. Ct. Nos. BA259013,
BA280723)

THE COURT*:

Deanna Jackson filed a timely notice of appeal challenging the validity of her admissions of probation violations in case Nos. BA259013 and BA280723, and her sentence or other matters occurring after the plea. She requested a certificate of probable cause on the ground that there were extenuating circumstances in her probation violations and so the sentence imposed by the court was too harsh; she asked that her probation be reinstated. The trial court denied the request.

* CHAVEZ, Acting P. J. HOFFSTADT, J. GOODMAN, J.†

† Retired Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

We appointed counsel to represent her on this appeal. Counsel filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, and requested this court to independently review the record on appeal to determine whether any arguable issues exist. On April 5, 2017, we sent a notice to defendant, advising her she had 30 days in which to personally submit any contentions or issues which she wished us to consider. She has not done so.

Defendant's admissions and the trial court's denial of a certificate of probable cause limit the scope of this appeal to "[g]rounds that arose after entry of the plea and do not affect the plea's validity" or "[t]he denial of a motion to suppress evidence under Penal Code section 1538.5." (Cal. Rules of Court, rule 8.304(b)(4); see Pen. Code, § 1237.5.)

Although the admissions at issue occurred in 2016, the underlying cases date to January 22, 2004, when defendant pled guilty in case No. BA259013 to violating Health and Safety Code section 11351.5 and was placed on three years' formal probation. Five months later, on June 14, 2005, defendant pled no contest to the charge in case No. BA280723 that she violated Health and Safety Code section 11352, subdivision (a) and admitted that she was in violation of probation in case No. BA259013 by virtue of her new conviction. The court imposed but suspended a five-year term for the new conviction, and placed defendant on three years of formal probation with the condition that she enroll in and successfully complete a one-year live-in drug program. Probation in case No. BA259013 was revoked and reinstated with the additional condition that defendant successfully complete the drug program.

On April 10, 2006, the court revoked defendant's probation in both cases on the ground that she had been terminated from her program. Defendant was not present in court, and a bench warrant was issued.

Defendant next appeared in court on November 2, 2015. She had apparently been in custody in Ohio for a considerable period of time. Defendant then failed to appear at her next scheduled hearing, a December 2, 2015 probation revocation hearing.¹

On July 14, 2016, defendant appeared in court and admitted that she had violated her probation in case Nos. BA259013 and BA280723 by failing to report to probation, failing to complete her program and failing to complete her community labor. The court ordered execution of the previously suspended five-year sentence in case No. BA280723 and imposed the low term of three years in case No. BA259013, to run concurrently.

We have examined the record and are satisfied defendant's attorney on appeal has complied with the responsibilities of counsel and no arguable issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 441; see also *Smith v. Robbins* (2000) 528 U.S. 259, 278-282; *People v. Kelly* (2006) 40 Cal.4th 106, 122-124.)

The judgment is affirmed.

¹ At the November 2 hearing, the trial court ordered defendant released on her own recognizance. Defendant was not released immediately, however, as she apparently had a detainer from the State of Iowa pending against her. She was released on November 21, 2015, to Iowa.

During the pendency of this appeal, defendant made a motion in the trial court for additional custody credits for the period from November 2 to November 21, 2015. The trial court correctly denied the motion on the ground that the custody was not attributable to defendant's California cases.